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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,015

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Ricardo SoonLian Lim

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12/01/2006

EXAMINER

PATEL, NITIN C

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SEAGATE TECHNOLOGY LLC  
1280 DISC DRIVE  
SHAKOPEE, MN 55379-1863

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,015	<b>Applicant(s)</b> LIM ET AL.	
	<b>Examiner</b> Nitin C. Patel	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>11/07/06</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

### **DETAILED ACTION**

1. This is in responsive to amendment filed on 18 October 2006.
2. In response to applicant's request for an interview, the interview summary is mailed with this office action.
3. Claims 1 – 21 are currently pending with the application.

### ***Claim Objections***

4. Claim 21 is objected to because of the following informalities:
5. In the claim 21, strike out the symbol for period (full stop) clearly in line 2 on page 7.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1– 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
7. In the independent claim 1, in iteratively reading attempt "the successfully read" is a concrete, useful, and tangible result. But, there is no a concrete, useful, and tangible result at the end of the maximal number of read retry attempts as: in the step (b) under process C, "or the information is not successfully read from any copy of the information after the maximal number of attempts" raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a

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practical application producing a concrete, useful, and tangible results to form the basis of statutory subject matter under 35 U.S.C. 101. [This can be overcome by achieving a concrete, useful, and tangible results e.g. displaying message or sending notification message "not successfully read or read error" when ending the process].

8. In the independent claim 7, in iteratively reading attempt "the successfully read" is a concrete, useful, and tangible result. But, there is no a concrete, useful, and tangible result at the end of the maximal number of read retry attempts as: in third computer readable program code, "or the information is not successfully read from any copy of the information after the maximal number of attempts" raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible results to form the basis of statutory subject matter under 35 U.S.C. 101. [This can be overcome by achieving a concrete, useful, and tangible results e.g. displaying message or sending notification message "not successfully read or read error" when ending the process].

9. In the independent claim 13, in iteratively reading attempt "the successfully read" is a concrete, useful, and tangible result. But, there is no a concrete, useful, and tangible result at the end of the maximal number of read retry attempts as: in third computer readable program code, "or the information is not successfully read from any copy of the information after the maximal number of attempts" raises a question as to whether the claim is directed merely to an

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abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible results to form the basis of statutory subject matter under 35 U.S.C. 101. [This can be overcome by achieving a concrete, useful, and tangible results e.g. displaying message or sending notification message “not successfully read or read error” when ending the process].

10. Claims 2 – 6, 8 – 12, and 14 – 20 are depending on rejected independent Claims 1, 7, and 13 respectively, and therefore are rejected under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 21 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Semba, US Patent 5,504,726.

12. As to claim 21, Semba discloses a method [for calibrating an optical drive] comprising:

a. establishing [detecting by calibrating] minimal and maximal numbers [minimum and maximum values] that define [calibrate] two levels [tracking error and focus error] of retry attempts [as shown in fig. 3] to read [step 35 to step 39 and back to 35] information on a storage medium [memory][col. 5, lines 1 – 27, col. 6, lines 5 – 13, 35 – 39]; and

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b. storing [writing] the established minimal and maximal numbers [minimum and maximum values] in a device that includes the storage medium [memory][col. 3, lines 49 – 57, col. 6, lines 45 – 47, fig. 3].

13. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

14. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

### ***Response to Arguments***

15. In response to amendment to the title, the objection to the specification is withdrawn.

16. In response to amendment to claim 13, the objection to the claim is withdrawn.

17. In response to arguments and amendments to claim 21, the rejections under 35 U.S. C. 112 second paragraph to the claims 1 – 21 are withdrawn.

18. Applicant's arguments for 101 rejections to the claims 1 – 20 filed 18 October 2006 have been fully considered but they are not persuasive. And the

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rejection under 35 U.S. C. 101 to the claims 1 – 20 is maintained as explained in rejection. In reference to applicant's arguments regarding, "establishing minimal and maximal numbers of read retry attempts ---impact the performance of read operation", the examiner agrees with it, but is not claimed.

19. In response to amendment to the claim 21, 101 rejection to the claim 21, is withdrawn.

20. Applicant's arguments with respect to 35 U. S. C. 102 rejection for claim 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

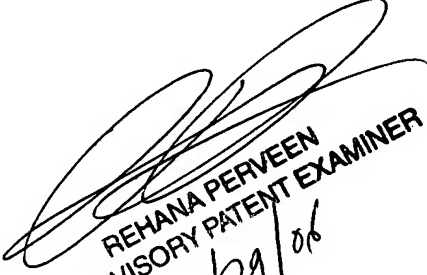
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nitin C. Patel  
November 27, 2006

  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
11/29/06